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LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

MINUTES
OAHU ISLAND BURIAL COUNCIL MEETING

DATE: WEDNESDAY, SEPTEMBER 13, 2006
TIME: 10:00 A.M.
PLACE: DEPARTMENT OF LAND & NATURAL RESOURCES
1151 PUNCHBOWL STREET, ROOM 132
HONOLULU, HAWAII 96813

ATTENDANCE:

Members:	Jace McQuivey, Chair	Analú Josephides
	Kalei Kini	Charles Ehrhorn
	Alice Greenwood	Kehaulani Kruse
	Aaron Mahi	Linda Kaleo Paik
	Andrew Keliikoa	Kehau Abad
	Mark Kawika McKeague, Vice-Chair	
Absent:	Cy Bridges (Excused)	
Staff:	Melanie Chinen, SHPD Administrator	
	Pi'ilani Chang, Oahu Cultural Historian	
	Adam Johnson, Assistant Oahu Archaeologist	
	Vince Kanemoto, Deputy Attorney General	
	Susan Yanos, Secretary	
Guests:	Susan Yoza, Hawaii Ethics Commission	Nancy Neuffer, Hawaii Ethics Commission
	Laura K. K. Kilaulani	Ginger Hala
	Eric L. Burch	Carolyn Norman
	Pua Aiu, Communications Pacific	Hal Hammatt, CSH
	Doug Borthwick, CSH	Ka'onohi Kaleikini
	Kaulana Park, DHHL	Kamana'o Mills, DHHL
	Lani Ho'omana, DHHL	Amelia Glove
	David Shideler, CSH	Stewart Y., Star Bulletin
	Eric Nishimoto, DAGS	Ernie Lau, DAGS
	Ricky Sasaki, DAGS	Van Horn Diamond
	Jan Yokota, General Growth Properties	Alvin T. Kobayashi, ACK
	Mark K. Manley, Defend Oahu Coalition	Adrian K. Keohokalole
	Dennis K. Keohokalole	Emalia Keohokalole
	Sharon Thom, General Growth Properties	Tim Lui-Kwan
	Dwight Yoshimura, General Growth Properties	

I. CALL TO ORDER & ROLL CALL

Meeting was called to order by Chair McQuivey at 10:00 am. The majority of the members were present and quorum was established. Chair McQuivey asked that the record reflect that Cy Bridges has an excused absence for this meeting.

II. INTRODUCTION OF COUNCIL MEMBERS AND SHPD STAFF

As council members introduced themselves, SHPD staff recorded those that were present.

III. OPENING REMARKS

Chair McQuivey thanked the public for coming to this meeting and also informed the public that the council will go into an executive session. Chair McQuivey asked the public to sign in to make sure the record reflects all that attended the meeting and to introduce themselves when coming to testify before the council. Chair McQuivey asked the public to have courtesy towards everyone that is participating and to keep all remarks to the council. He stated this is not a forum to attack council members, the department, or other members of the public. Chair McQuivey reminded the public that the council established a four-minute testimony policy, however, if you are on the agenda to make a presentation you are not bound by this time limit.

McKeague gave a pule.

IV. APPROVAL OF JULY 12, 2006 MEETING MINUTES

Correction by McQuivey: Page 4 & 7, Record reflect the full name of councilmember Andrew Keliikoa.

Correction by McQuivey: Page 5, Record reflect the full name of people giving testimony when they first are referred to in the minutes.

Correction by McQuivey: Page 6, Record reflect that "Campbell Estates" should be "Campbell Estate."

Correction by McQuivey: Page 2, Change "Chair McQuivey stated that there is any issue..." to "Chair McQuivey asked if there was any issue..."

Motion to adopt the minutes as amended. (Kini/Paik)

VOTE: ALL IN FAVOR. Motion carries.

Chair McQuivey asked Vince Kanemoto, Deputy AG, if there was an update with the documents that he reviewed for the council regarding the June OIBC Minutes that Van Diamond provided. Kanemoto stated that he reviewed the documents and gave it to the SHPD staff to finalize. Piilani Chang, SHPD, said that she is in the process of making the changes requested by Kanemoto. McQuivey stated that if there is no opposition to the changes, then the minutes will stand with the necessary changes.

V. EXECUTIVE MEETING

- A. THE OAHU ISLAND BURIAL COUNCIL WILL MEET IN AN EXECUTIVE MEETING UNDER SECTION 92-4, HRS, AND PURSUANT TO SECTION 92-5(a)(4), HRS, TO CONSULT WITH THE BOARD'S ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COUNCIL'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES, AND LIABILITIES.**

Motion to retire to executive session. (Greenwood/McKeague)

VOTE: ALL IN FAVOR. Motion carries.

McQuivey asked the public to wait outside while the council meets with the individuals from the Ethics Commission, Deputy AG, and SHPD staff.

Motion to come out of executive session. (Mahi/McKeague)

VOTE: ALL IN FAVOR. Motion carries.

McQuivey thanked the public for waiting while they were being advised by the council's attorney on matters that come before the council.

VI. COUNCIL ACTIONS

- A. Leeward Coast Emergency Homeless Shelter Project
Waianae Ahupuaa, Waianae District, Island of Oahu [TMK: (1) 8-5-028:041]**

Kaulana Park introduced himself and explained his background. He has been appointed by the Governor to oversee the homeless shelter projects. Park said that one site they have already identified to use as a temporary housing area is at the Waianae Civic Center site. Some things to keep in mind is: 1) Infrastructure. It is very important to have a site that is accessible to put up infrastructures which would greatly help the Leeward community; 2) Schools. The Governor has made it a point to target families, which would mean individuals or couples with children. These housing facilities need to be in close proximity to schools; 3) Transportation. These sites need to have accessibility to the public transportation in order for them to go to work; and 4) Main stream services. It's very important to get people involved in services which would help them eventually be able to support themselves and their families. He explained that they are not just looking at just emergency or transitional housing. They want to be able to get to the point of affordable housing.

Park showed the council that this particular site would have on-site services and programs to help people in need. There is also a vocational work force development in the area. This site will have facilities for families and individuals complete with a dining hall and shower, bathroom, and laundry facilities. This site is meant to be a temporary structure and hope to have these individuals and families in affordable housing units within a five year timeframe. This particular structure can be used again for emergency purposes. Two obstacles they currently face with this particular site are the connections for the sewer and the iwi which were found during archaeological inventory survey. Park stated there will be a burial treatment plan that will come before the council shortly to address the protection measures for the iwi. He felt it was important to inform the council of what was going on with the project and keep them updated as to what they are trying to do.

Josephides thanked Park for taking the time to come and brief the council on this important issue and for the work that is being done to take care of the Waianae people without homes.

**B. Recognition of Lineal/Cultural Descendants for the Ward Village Shops Project
Honolulu Ahupuaa, Kona District, Island of Oahu [TMK: (1) 2-3-5:013-017, 022, 023]**

Chang referred the council to her September 5, 2006 memo that was included in the packet that was sent to the council members. Because KeAloha Kuhea and Manuel Kuloloio were recognized by the OIBC on August 6, 2003, as cultural descendants to Native Hawaiian remains found at the Wal-Mart Project in the Honolulu Ahupua'a, Kona District, the department recommends approval of recognition as cultural descendants to the remains found at the Ward Village Shops Project. Because Emma Emalia Keohokalole, Dennis Keohokalole, Adrian Keohokalole, and Van Diamond were recognized as cultural descendants to Native Hawaiian remains found in the Waikiki Ahupua'a, Kona District, the department recommends approval of recognition as cultural descendants to the remains found at the Ward Village Shops Project.

Abad asked whether the council looks at the level of ahupua'a or moku when recognizing cultural descendants. Abad asked whether the phrase "same ahupua'a or district" was ever clarified to mean moku or used as a gloss to mean ahupua'a. Chang understands the word district to mean moku but will check with the administrator to get clarification. Abad suggested that they take this issue to the legislature to clarify it. Chang added that the department brought this issue before the Chairs and Vice-Chairs of the Island Burial Councils last year but there was no resolution. Kanemoto said that the HAR's clearly states district which is translated to moku. Abad said that if you were to look up the term "ahupua'a" in a dictionary it would be defined also as district...there's not a different English word that would differentiate an ahupua'a and a moku. Abad said there is a gray area here and would have a huge impact in what happens here. Josephides agreed with Abad.

Van Diamond recalls the intent of the burial councils was to enable, expand, and empower the Hawaiian community and its members to come forward. He suggested that the Chairs convene another meeting to distinguish the issue being discussed today. He said it took a long time for him to apply. He said that his family has an association with people from the area and that is why his family chose to step forward.

Paulette Kaleikini, cultural descendant, said that the recognition should be deferred until this matter is clarified.

Coochie Cayan, formal council member, said that when they drafted the bill, the intent of using ahupua'a or moku was not just for Oahu but for all islands. For instance, the island of Lana'i is one district, it is an outpost of Lahaina...it is lele. The rules need to be applied not only to Oahu but for all the islands. In the rule-making, we had to encompass everybody. Cayan said what the council is facing is trying to westernize the Hawaiian word view into law and its very difficult for Hawaiians to play this word game. But in your na'au, whatever the council's decision is, that the 'ohana is coming forward.

Emalia Keohokalole said that her family has applied as cultural descendants today to help in the discussion for iwi. She said that for her family the definition of Waikiki ahupua'a entails from Maunalua on the old maps to Moanalua. She thanked the council members for taking care of the iwi.

Kanemoto said that ahupua'a is defined in the rules and the definition of cultural descendants clearly states "ahupua'a or district." No where in the definition of ahupua'a (in the rules) does the word district appear and ahupua'a as used in these rules is limited to the definition given in

the rules. Based on the information provided to Kanemoto at the time, the phrase ‘ahupua‘a or district’ can be interpreted to mean ahupua‘a or moku. The definition of the word ahupua‘a in the rules does not include the word district. Kanemoto added that Coochie Cayan also provided her input as to the intent of the rules when they were adopted.

Paik believes that the phrase “or district” was put in the rules for those who do not speak Hawaiian. She said that moku can be as big as an island and ahupua‘a’s are built on resources on which people can survive self-sustaining; they’re not built on a land division from the mountain to the sea. She thinks it’s great that people are coming forward to malama the iwi but the one thing she doesn’t like is to see people coming forward to take one side or another.

Abad stated that her main reason for raising this issue is to be able to stick with the Hawaiian notions of districts because then the council is able to use the same districts our kupuna considered as the appropriate unit. She said that would feel completely comfortable with using moku but let’s make sure that that is the law. From a cultural perspective, there is no reason to draw a line between where we are culturally related at this land division line and here’s where we’re not, but it’s important to make sure that the law reflects what we mean. She believes the law is very clear that it’s clarifying that the ahupua‘a that is listed is a type of district. In Hawaiian circles, when you translate the term ahupua‘a or moku you could use either land division or district and there’s no standard or regular practice of the use of word district. There is every reason to keep it as broad as possible but state your reason why you feel that you have a kuleana. The same should apply for people seeking lineal descendants. Kanemoto said that there may be ambiguity here but the department only makes recommendations to the council. It is up to the council to make that final determination.

Diamond stated that the councils have district representatives from each geographic region. If you’re going to clarify these things, then you have to incorporate how district representatives fall into this piece. If you’re going to utilize the definition of what ahupua‘a means in terms of people surviving, then why is there another delineation? Does this mean that the district representatives on the council will be related by the ahupua‘a? That delineation doesn’t appear to be what that’s all about.

Motion to accept SHPD’s staff recommendation on all seven claimants to this particular project. (Josephides/Ehrhorn)

VOTE: ALL IN FAVOR. Motion carries.

**C. Burial Treatment Plan for the Ward Village Shops Project
Honolulu Ahupuaa, Kona District, Island of Oahu [TMK: (1) 2-3-5:013-017, 022, 023]**

Dwight Yoshimura, General Growth Properties, explained how they looked at various redesigning options based on several meetings with descendants and past few burial council meetings. Yoshimura stated that their primary purpose of presenting the burial treatment plan is to protect, preserve, and keep the iwi safe. Unfortunately, the construction plans for the project site does not allow for a lot of redesign. He said that there have been some infrastructure work on the site and there will be more work that they would like to proceed with. He would like to ask permission from the council to proceed with this project.

Sharon Thom, General Growth Properties, explained the project scope. She stated that after the last meeting, they discussed ways to redesign the foundations to allow the iwi to remain in place. They studied it from the engineering aspect and were able to redesign. However, looking at the constructability of that and how they would need to do the construction to protect the iwi, the process would be to drive sheet piles around the area where the iwi are and they cannot

guarantee the safety of the iwi during that process so they felt that it was not a viable option. Another question asked was the feasibility of relocating structures and they looked at that option but it would only add more foundation work and didn't feel that it was an adequate option.

Paik asked for specific reasons why they felt that the iwi would not be guaranteed their safety. Thom said that their concerns had to do with disturbing the iwi in any way. Paik said that moving the iwi would be a disturbance. Thom said that they would be disturbed but they could ensure their safety and would follow the proper process. Yoshimura added that there will be extensive construction work done which would include sewer lines and pile caps. Yoshimura said that they felt it would be most appropriate and respectful to relocate the iwi into an area where they would be safe.

Keliikoa asked if the developers could provide a time and cost estimate for the redesign of the project and any hearings that you may have to revisit (i.e. permits, construction costs, etc.). Yoshimura said that they took two years to develop this project and to redesign would take another 2 years to do. Currently, General Growth has spent \$18-20 million dollars already to put in the foundation work and will not be able to recover. The total cost of the project right now is over \$150 million dollars. There will be some legal and liquidating issues with Whole Foods if their contract is not adhered to.

Abad asked when the first archaeological survey was first done. Yoshimura said that they first engaged in conversations with Cultural Surveys Hawaii was in December 4, 2005. Cultural Surveys then met with SHPD to determine guidelines and to obtain approval. Yoshimura also noted that this project site had some existing buildings on the project site when they were going through the process with HCDA.

Kaleikini asked for the location of where the inadvertent burial was found on the property and the reason why there was no additional testing. She feels that there wasn't a complete survey done and the survey should've been completed before any piles were driven into the ground. Hal Hammatt, Cultural Surveys Hawaii, stated that the inadvertent find was found in the mauka section after the testing was completed. The context of the discovery was that it was found in fill deposits, which is not unusual for Kaka'ako. He said that in this particular case, they consulted with SHPD about doing the inventory survey in conjunction with the demolition. The phases of the testing correlated with the demolition of the buildings.

Kaleikini asked for why more testing wasn't done in the mauka section especially towards the Queen St. Extension where they had discovered the cemetery which they disturbed 30 burials. There should be more testing done in that area or if the council moves to remove these burials more inadvertents will be found. Hammatt said that the graveyard/cemetery, which was encountered during the Queen St. extension, extended up to the edge of a building on the present project area. As they were aware of that, when they got to the mauka section, they tested right up to the edge of that building. To answer any question about whether the cemetery extends into this property, Hammatt can say with some confidence that the answer would be no. In the project area, there is a very shallow area in which it is highly likely to expect burials and the burials are exclusively located in sand deposits. If they find sand deposits, they would find areas where there is a high potential to have had burials. Sand deposits do not occur in the mauka area near the cemetery. He said they were pleasantly surprised to not encounter burials in that area. The burials that were found are currently protected by plywood barriers. The inventory survey has completed, submitted, and approved by SHPD and the burial treatment plan has been submitted and is a continual work in progress. There is also a preservation plan for a cultural layer that has been completed.

Keliikoa asked if the burials found were previously disturbed and Hammatt said that in one case that was definitely true. Hammatt said that four in four cases the burials were in a flexed

position, which makes an indication that the remains were Hawaiian. Keliikoa asked if it possible to determine whether the remains were originally placed in those locations or if it was relocated to that area. Hammatt said that when they hit a burial, they stop and confirm the remains are human and then they cover them up to protect them.

Kaleikini asked how the other seven burials were found. Hammatt said they couldn't determine the other burials except for the four which were in a semi-flexed position. He added that a lot of the times its guess work because the remains aren't completely exposed.

Yoshimura said that he has worked for General Growth for about 16 years and he enjoys working for them because they share the sensitivity to this property and the people of Hawaii. It is their intention to be respectful and to malama the 'aina and the people. He asks that the council favorably consider their request to relocate the iwi. He said that they have the highest respect for the cultural descendants and they took it upon themselves to do an inventory survey because they wanted to keep their word about taking care of the land.

McQuivey stated that the council is considering whether or not to leave the burials in place or to relocate them. The recommendation by the landowner is to relocate the burials. McQuivey asked the public to offer testimony prior to the council making a decision.

Carolyn Norman, cultural descendant, stated their iwi kupuna lived and died on sovereign land. The nation of Hawaii is still recognized as a sovereign nation according to international law. The Hawaiian nation and its people have been displaced by the use of the United States of America and it continues today. It has been a continuous struggle for Kanaka 'Oiwī to get a foothold on what is inherently ours. Her kupuna will not allow her to forget and be silent and do nothing. Her kuleana is to malama i na iwi kupuna by preserving in place and not allowing anything to be built on them that does not pertain to her culture. It is not her kuleana to desecrate the iwi kupuna by pulling them out and relocating. Relocating will be the only imminent danger that the iwi kupuna faces today. She asks the council to allow what they feel what is pono to help you decide your determination. She understands and appreciate Yoshimura's mana'o but you cannot put a value on Hawaiian culture; it cannot be bought. It is her hope that the council's determination will be to preserve in place and direct General Growth to redesign.

Emalia Keohokalole said they are concerned about the iwi kupuna and would not want the iwi kupuna to be in any danger. She said considering the construction of this project, she would not want the iwi anywhere near the pile drivings will occur. Dennis Keohokalole states that they would never want the iwi kupuna to be disturbed but its important to find the best way to malama them to come to some kind of compromise (the Hawaiian way). Adrian Keohokalole stated that his background is construction and the recommendation that was made may not be the best consideration. There are options that need to be looked at. His family recommends that they be removed and stored and reinterred in a proper place at a later date. They represent the kupuna of Waikiki and they're here to help speak for the kupuna.

McQuivey stated that there are a few options that the developer's offered and asked if any of those options would work. Emalia Keohokalole said that would be discussed amongst all the cultural descendants. The important thing to do is find out what would be the proper and most appropriate way to protect the iwi. Mahi stated that one of the concerns is that more iwi may be found and would like some assurances that they would be taken care of in the same way.

Abad asked that if they were to redesign in a way that there wouldn't be pile drivings close to the iwi, would that be something that their family would support? Adrian Keohokalole said that his concern is the 1200 pile drivings going in there and would be very difficult to not disturb them.

Greenwood shared her experience with iwi found at Waimea. It was important for them to find a way to best protect the kupuna.

Paik asked what they meant by the safety of the kupuna. Adrian Keohokalole said that they would be disturbed by vibrations and possibly other factors. Paik said that her opinion is that removing them would make them disturbed. Adrian Keohokalole stated that either way they would be disturbed but if they were removed, they would be put in an area where they wouldn't be disturbed again. Paik said that if we were to look at safety the Western way, then there would be a safety concern, but if we look at it culturally, then they wouldn't be in harm's way if they were left in place. She believes the worst desecration would be to remove them.

Josephides said that their first priority is to malama the iwi. He applauds and commends all the 'ohana that came forward to malama the iwi. One concern he has is if they decided to preserve in place, is there a law that would prohibit a building being built over the iwi? He's also concerned that if the iwi were to be removed and reinterred in areas where the developers have decided, would they be adequately protected? He stated that he needs to be reassured before he makes any determination about the safety of these iwi kupuna. He said that everyone is responsible in so many ways and challenges everyone to find a better way malama these iwi.

Abad stated that everyone here is being offered two horrible choices. We are forced into a position not created by any one of us. This position was created by General Growth taking a risk to change their business plan for that property and decided to roll their dice on another plan. Between 1986-2002, there were 308 human burials found in the urban corridor of Honolulu from River Street to Keeaumoku and Nimitz to King Streets, which she is quoting from a declaration of osteologist, Sara Collins, who is testifying for the Wal-Mart case. By 2002, when General Growth started to think about this plan, 303 of the 308 kupuna were all relocated. She said that we need to be offered a better option. It is not our fault that General Growth began this process without taking a look at what iwi were there. If iwi were known at the beginning of the process, then it could've been designed in such a way to offer them true respect. She understands that no one questions their sincerity and that no one intended this harm but there was some basic due diligence that wasn't followed through with. She said that they should not have to be faced with these two horrible options.

Diamond shared his opinion that these iwi need to be relocated. He said that it was a hard decision for him and his family to come forward but he feels that there is a responsibility for them to help to take care of the iwi. He said that using the word safety should also include the reverence that is due and he doesn't see reverence in leaving them in place. Relocation doesn't mean that it has to be far away but it could mean that it would be put in a better place with dignity.

Kaleikini thanked General Growth for making an attempt to redesign but feels that they could do a better job. She thanked the other families who have come forward and shared her relationship to the land. She said that the council should listen to the mana'o of the 'ohana first and not the developer because that was the purpose of why this council was established. She said that the kupuna do not have options other than what is decided here today.

Paik stated that she attended a meeting which SHPD held to discuss burial council member's positions and was criticized for saying that a criteria for being a burial council member should be that they be a burial rights practitioner because they would know appropriate burial rights. She said that her position is to preserve in place. She feels that reverence shouldn't be the issue here; it should be what is culturally appropriate and that is to listen to what the descendants have to say in the matter. Jean Rasor stated these kupuna were put to rest in that place and they belong in the same place they were put. Unless their in imminent danger, they should not be moved.

McQuivey restated what options the council has to make in regards to these iwi. There is an option to preserve in place or relocate the remains to different options on site. McQuivey asked council members to make a motion to make a determination. He thanked the council members for their passion, dedication, and concerns to help find a best way to make this decision.

McKeague explained the process in which he understands that General Growth went through and felt that some things could've been done in a different way. He feels that there were several instances where the Hawaiian community should've been included but wasn't.

Ehrhorn stated that he had to leave to attend to a family matter but wanted to explain why he would be voting for relocation for these iwi kupuna. He stated that this is a very serious issue but believes that they need to be relocated to an alternative site. He doesn't think that building something over the burials will show reverence or dignity. His first priority has always been to preserve in place or as close as possible to the area but he feels that this developer has shown a good faith effort.

(Chuck Ehrhorn left the meeting at 1:30 pm.)

Tim Lui-Kwan offered clarification in the process that General Growth went through to do this project. It appeared that the City & County and HCDA were not requiring an inventory survey of certain already developed properties. McKeague said that how he understands the HCDA rules is that there needs to be a certificate of appropriateness that is issued by the executive director which is a result of an evaluation of impacts of historic properties and resources. Lui-Kwan said that his understanding is that HCDA is required to seek comments from all the agencies and believed that the applicant followed all those regulations. He stated that as soon as the developer realized that certain things needed to be done, General Growth took it upon themselves to retain the services of Cultural Surveys Hawaii.

Abad asked the developer what they would do if the council decided to preserve the remains in place and what would happen if they were to change the whole footprint. Yoshimura said that the project would not be able to proceed. Josephides acknowledges the developers sincerity.

Kaleikini asked why the project would not be able to proceed if the iwi were left in place. Yoshimura stated that there are a lot of complications which include financial issues and feels that the project would not be able to proceed.

Motion to take a roll call with each member stating their preference to relocate, preserve in place, or refrain from voting. (Keliikoa/Greenwood)

McQuivey believes that the motion is inappropriate because the council needs a motion that states an affirmative action and feels that this motion is out of order. He appreciates the need to get to a decision quickly but would like to make sure it's done properly.

Keliikoa rescinded his motion.

Motion to call for questions. (Mahi/McQuivey)

McQuivey stated that there has been a call for question which means that discussion ends and it would need to be done through a vote. McQuivey clarified that the vote the council is making is to stop discussion and make a vote. A yes vote will mean that you're ready to make a vote with no discussion; a no vote will mean that you would like to have discussion.

VOTE: 8 Yes. 2 No (Abad, McKeague). Motion carries.

Motion to relocate the previously identified Native Hawaiian burials located within the Ward Village Shops Project area. (Kini/Greenwood)

VOTE: 6 Yes (Greenwood, Keliikoa, Kini, Kruse, Mahi, McQuivey). 3 No (Josephides, McKeague, Paik). 1 Kanalua (Abad). Motion carries.

Council breaks at 1:50 pm. Meeting resumes at 2:10 pm.

McQuivey stated that he may have overlooked a procedural vote and asked Abad to clarify her vote and either make a vote (of yes or no) or leave her vote as it was stated previously. Abad decided to register her vote as “no” in efforts of exploring a possibility of a third option. She believes that a “no” vote would force General Growth to consider a third option. McQuivey thanked Abad and asked that this change of vote be made a part of the record.

D. Burial Treatment Plan for the Makaha Bridges Project

Makaha Ahupuaa, Waianae District, Island of Oahu

[TMK: (1) 8-4-001:012; 8-4-002:047 & 045; 8-4-018:014, 122, 123; 8-4-008:018-020]

Matt McDermott, Cultural Surveys Hawaii (CSH), explained the project details. The inventory survey was completed in August 2005 which identified 5 historic properties. A human finger bone and rib fragment was found during the inventory survey and CSH determined that the remains were Native Hawaiian. This project is federally funded and has been in compliance of the Section 106 and the Chapter 6E process. The burial is located within the footprint of the area proposed for the channel widening so preserving the remains in place would be extremely difficult. The remains found are all previously disturbed. CSH sent consultation letters to various people in the Waianae community who may be able to offer some information about the burial. Some response that they received was that if preservation in place was not possible then they should be reinterred as close as possible to its original location. The project proponents are asking the council to consider relocation.

Josephides gave a background of the project site. He was able to walk the project site with Greenwood and other kupuna before this meeting. He remembered visiting the same area when he was younger and wondered how the iwi kupuna could be left in place without it being disturbed. He shared his own mana‘o about his memories of that area and his connection. He appreciated the effort that CSH has made to address the iwi found at this project site.

Greenwood remembered as a young girl that the area where the bridges are located were very vulnerable to wave action and had recommended that the iwi be relocated because of the danger of the ocean washing them out. Josephides added that in the winter time, the water gets really high and people would be swimming and riding their boogie boards in that area.

Abad asked for clarification of the potential descendant’s recommendation of treatment for the iwi. McDermott stated that most of the potential descendants had said that if it wasn’t possible to preserve in place, then they would prefer that they be reinterred as close as possible to its original location. Under the current design, it wouldn’t be possible to preserve in place. Chang added that Koa Mana had submitted testimony to the council which stated their position on the matter. McDermott stated that they had tried several times to contact Koa Mana but was not successful and asked SHPD to help with their consultation. McQuivey said that their letter seems to be asking the council to defer the matter because they would like to provide additional relevant information about burial sites. Josephides said that it would be very appropriate to defer the matter because they are not here to provide important, relevant information about the burials. Adam Johnson said that he would try to contact Koa Mana and see if they would be able to either come to the next meeting or provide the additional documentation. Greenwood said that

everyone knew about the burial for over a year now but no one has commented or come forward until this issue came on this meeting's agenda. Paik said that it would be best to wait just in case there was important information that the council needed to make a decision. Abad stated that legally the council has 45 days to make a determination so that should be the deadline for the public to comment before the council has to make a decision. Josephides believes it's important for the council to work with everyone.

Motion to defer this agenda item to the next meeting in order to gather more information from the possible claimants to this particular project. (Josephides/McKeague)

Paik asked the council to refrain from making any unnecessary remarks when certain individuals are mentioned in order to maintain a professional demeanor.

VOTE: 9 Yes. 1 No (Keliikoa). Motion carries.

E. Correspondence from the University of Pennsylvania Museum

McKeague updated the council about the iwi po'o at the University of Pennsylvania. He stated that the iwi po'o was assessed through the Wisslar Institute in 1905. When it was recorded in their ledger, the only information that was available was that it said "Sandwich Isles iwi po'o". The University of Pennsylvania student, Mr. Herbert Poepoe, contacted Mr. Halealoha Ayau of Hui Malama and the Hawaii Island Burial Council to get advice handling this issue. McKeague stated that the University of Pennsylvania Museum has been authorized by the Wisslar Institute to handle the NAGPRA process and received authorization from the Institute to make a loan to Puuhonua o Honaunau National Park. Because Mr. Poepoe felt strongly that the iwi po'o came from Hawaii Island, there was a formal inquiry from the Hawaii Island Burial Council, OHA, and Hui Malama to handle the matter. McKeague informed the council that as of June, iwi po'o's kupuna is in residence with the National Historic Park in Honaunau and its final disposition is still being determined.

The question before the council is that whether or not the OIBC, as a native Hawaiian organization, wanted to pursue an interest in participating in this matter. McKeague stated that this council has these options to consider:

1. The council could join the efforts of the other three native Hawaiian organizations which are making a claim to this iwi po'o or make a claim separately;
2. Write a letter in support of joining the efforts of the other three native Hawaiian organizations who are taking on this kuleana

McKeague recommends that this council show its support by writing a letter and that no further action be taken by the council. Diamond shared his past experiences of dealing with issues like this. He recommended that some kind of understanding be arranged by the OIBC to help with any preliminary work that deals with iwi that may have an affiliation with Oahu. Abad stated that on three different occasions, Hui Malama I Na Kupuna O Hawaii Nei has been involved with retrieving iwi kupuna from the same museum. She said that because these people have come forward to take this kuleana, then the council shouldn't interfere.

Motion to make a decision today based on the recommendations by the Vice-Chair. (Paik/Abad)

Paik amended her motion.

Amended motion for the council to write a letter in support repatriation. (Paik/Abad)

VOTE: ALL IN FAVOR. Motion carries.

**F. Section 106 Consultation for the Kalaniana'ole Highway Improvements Project
Waimanalo Ahupuaa, Ko'olaupoko District, Island of Oahu
[TMK: (1) 4-1-03 through 09, 12, 13, 15, 16, 18, 19, 20, 22, 22, 28, 33, 34]**

David Shideler, Cultural Surveys Hawaii, stated that this project is related to highway improvements for the purposes of safety and efficiency. A cultural impact assessment was done and there were no cultural issues of burials that arose during the interview process. Abad asked if there were any ground disturbing activities to be done on this project. Shideler stated that there will be some grading work that will be done that may have some impacts on burials.

G. Status Update on Section 106/NAGPRA Correspondence

Greenwood received several letters for Section 106 consultation. She has received a site plan for the construction of the Schofield Battle Complex Area. She stated that this project has been moving very slowly and there is an ongoing problem out there. She also received a letter for an inadvertent discovery at Schofield Barracks. She confirmed that the remains were cow and Tom Lechanko asked what the OIBC thought about the situation. She didn't feel that it was necessary to comment any further on the issue. McQuivey and Josephides commended Greenwood for all her work and dedication.

(Kaleo Paik left the meeting at 3:03 pm.)

VII. SHPD INADVERTENT DISCOVERY REPORT

Chang referred the members to the monthly summary report of inadvertent discoveries of human skeletal remains, which was previously provided to the members in their packets. She read into the record the contents of her September 7, 2006 memo to the council.

VIII. ADJOURNMENT

The meeting adjourned at 3:10 pm.

Respectfully Submitted,

Susan P. Yanos, SHPD Secretary and
Piilani Chang, SHPD Cultural Historian